



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairman

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WELFARE OF ADULTS REGULATIONS

REG-WOS-2005-07 021009-003

I. Application of Regulations. These Regulations apply only to Executive Departments and are limited to actions brought by Executive Departments. These Regulations do not apply to actions authorized by the Welfare of Adults Statute which are brought by interested parties that are not part of the Executive branch of government.

Deference to Actions Brought by Non-Governmental Parties. In cases where a private action authorized by the Statute has been commenced in Tribal court, Executive departments shall be precluded from commencing an action regarding the same individual(s) or circumstances involved in the private action, unless:

- A. An Executive Department authorized to bring an action under these Regulations believes that failure to bring an independent action on behalf of an adult Tribal citizen poses a risk to the health, safety, or well-being of the adult Tribal citizen and;
- B. The Chairperson or their designee reviews the case information and the conclusions of the Executive Department, and agrees with the Executive Department and authorizes that department to either intervene in the private action or commence an independent action.

II. Definitions:

- A. “Private Action” An action which is authorized by the Welfare of Adults Statute which is commenced by a non-government party.
- B. “Authorization to Bring Actions” The following Executive Departments are authorized to bring petitions on behalf of adult tribal citizens:
 - 1. Human Services Department –Social Services Program;

III. Procedures for Bringing Actions:

- A. Actions brought by Executive Departments:

1. **Referrals.** Receipt of information of circumstances requiring action shall be sent to the Director of Social Work, Human Services Department – Social Services Program.
 - a. Executive Departments and Programs, including but not limited to, Health Services, Substance Abuse, Elder's Program, Housing, etc that observe events or circumstances which indicate that an adult Tribal citizen is in an abusive situation, abandoned, medically incapacitated, incompetent, or in situations where the individual is unable to manage their personal, medical, or financial affairs they shall report such circumstances to the Human Services Department-Social Services Program.
 - b. Referrals should be made on a form approved by the Human Services Department for this purpose.
 - c. The Human Services Department- Social Services Program may require that the individual making the referral file a written report which provides more information about the reason for the referral, etc. Any report requested by the Human Services Department- Social Services Program should be completed within the time frame provided by the Humans Services Department- Social Services Program.
2. **Investigation** Upon receipt of information that an adult Tribal citizen has been or currently is in an abusive situation, abandonment, medical incapacitation, or when declared incompetent; or in situations where the individual is unable to manage their personal, medical, or financial affairs; the Director of Social Work, Human Services Department – Social Services Program or their designee shall conduct an investigation to determine whether further action on the part of the Department is necessary.
 - a. An investigation will be initiated within twenty-four (24) hours after receiving a complaint/referral. Face-to-face contact must be made with the subject/victim within seventy-two (72) hours after receiving the complaint.
 - b. An investigation must be completed within thirty (30) days after receiving a complaint/referral.

3. **Consultation.** After completion of an investigation the Director of Social Work, Human Services Department – Social Services Program shall consult with Enjinaaknegeng and the Chairperson, or their designee to determine what action, if any, is necessary.
 4. **Filing Petition.** If a determination is made that a petition should be filed, the Director of Social Work, Human Services Department – Social Services Program shall coordinate with Enjinaaknegeng to file an appropriate petition in Tribal Court.
- B. **Coordination with Law Enforcement Agencies.** Any Executive Department authorized to bring petitions pursuant to these procedures shall have the ability to coordinate with appropriate law enforcement agencies in investigating an adult welfare case.
- C. **Interdepartmental Cooperation.** Governmental departments of the Little Traverse Bay Bands of Odawa Indians shall cooperate in any investigation into adult welfare carried out by the Human Services Department-Social Services Programs.
1. **Tribal Police Department.** The Tribal Police Department shall cooperate and provide assistance with any department authorized to conduct investigations pursuant to these procedures.
 2. **Enjinaaknegeng.** Enjinaaknegeng shall cooperate and provide assistance with any department authorized to conduct investigations pursuant to these procedures.
 3. **Other Executive Departments.** Other Executive Departments shall cooperate and provide assistance to any department authorized to conduct investigations pursuant to these procedures to the extent permitted by Tribal law, or applicable federal law.

CERTIFICATION

As Chairperson, I certify that I approve the Welfare of Adults Regulations.

Date: _____

Frank Ettawageshik, Tribal Chairperson

Received by the Tribal Council Office on: _____ by: _____

As the Legislative Leader and Tribal Council Secretary, we certify that these Welfare of Adults Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on, ____ at which a quorum was present, by a vote of _ in favor, _ opposed, _ abstentions, and _ absent.

Date: _____

Beatrice Law, Legislative Leader

Date: _____

Regina Gasco Bentley, Secretary